

EXHIBIT B

From: [Kendall, Michael](#)
To: [Fuchs, Douglas](#); [Coe-Odess, Matt](#)
Cc: [sheketoffr@aol.com](#); [Papenhausen, Lauren](#); [Andrew Tomback](#); [Chu, Yanbing](#)
Subject: FW: USC witnesses
Date: Wednesday, September 22, 2021 10:10:05 AM
Attachments: [image001.png](#)

[WARNING: External Email]

Doug,

We expect to start the defense case next Tuesday or Wednesday. We plan to offer the USC witnesses early in our case. We need the following, all of which I believe have been subpoenaed:

1. A Keeper of Records, live or by certification acceptable to the Court, to establish the business records foundation for the records described below. We will get you specific documents shortly but provide the following description for now. All of these documents were produced by USC in this case or come from its website. Please tell us by 5 pm today PT if you are willing to provide a certification or a witness next week so we can report to the Judge?
 - a. Emails and attachments from Garfio, Heinel, Fuller, Haden, Orr and Brunold, including copies of Pat Haden's VIP/Special interest list. These documents all refer to Subco admissions. Some of the VIP lists may only refer to VIP candidates.
 - b. Selected rosters for the Waterpolo and Swim teams from the website
 - c. Announcements about the Athletics fundraising campaign from the website—300m target and then the completion of the Heritage campaign
 - d. A chat between Kelsey Bradshaw and Alexander Alvendia regarding Sabrina Abdelaziz
 - e. A scholarship analysis document from 2017 showing that, on two teams, there were "significant donor's son on roster. Practices only. Unique scenario for this year." I will get you the bates number but we have discussed this in the past.
2. A witness, or a certification that the Court agrees to admit and that we find acceptable, to testify about the tax treatment of admissions boosts as described in Requests 4 and 5. If we do not get an acceptable certification in hand to submit to the Court by Friday 5 pm ET, we will request Ms. Vranich to appear and provide the testimony. If Ms. Vranich or the certification provide testimony that we think is adequate, we will forego Mr. Checchio's appearance.
3. Mr. Brunold's personal appearance, probably mid to late next week, but we are at the mercy of the government's schedule and will update you on dates.
4. Mr. Gonzales. We will try to persuade the government to accept the written certification but if it will not, we will need him to appear and testify

Mike

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From: Fuchs, Douglas <DFuchs@gibsondunn.com>
Sent: Tuesday, September 21, 2021 11:22 PM
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Subject: RE: USC witnesses

Mike,

You raise a good point, we should meet and confer, which I believe we can do over email.

What testimony are you seeking from Gonzales? Are you planning to call Al Checcio and Lauren Whittam and, if so, what testimony are you seeking from them?

Thanks,
Doug

Douglas Fuchs

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Subject: RE: USC witnesses

[WARNING: External Email]

I need evidence in the form the Judge will admit to deal with requests 4 and 5. Ms. Vranich seems like the most appropriate witness. If you want to propose something that does involve a lot of wrangling and gives me clear evidence, I will be happy to read your email proposal.

We will cover travel costs.

What is the basis to quash Mr. Gonzalez's testimony and the Keeper's?

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Subject: RE: USC witnesses

Mike, a few issues in response to your email.

First, why do you want to call Tracey Vranich?

Second, I assume you will be arranging for and paying for travel for all of the USC witnesses you plan to call. You can work through me on that.

Third, we plan to move to quash the subpoenas for the Keeper of Records for the Athletic Department, Ray Gonzalez, and possibly Tracey Vranich.

Douglas Fuchs

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From: Kendall, Michael <michael.kendall@whitecase.com>
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Subject: USC witnesses

[WARNING: External Email]

We think it is possible we will start the defense case on Sept 27. We would like to start with several USC witnesses, including

Keeper of the Records for the Athletics Dept
Tim Brunold
Mr. Gonzalez
Ms. Vranich

Please make arrangements for them to be in Boston, ready to testify.

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